



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,814	03/30/2004	Martin D. Ericsson	031287-024	2852

21839 7590 03/02/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
----------	--------------

3634

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/811,814	ERICSSON ET AL.	
	Examiner	Art Unit	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008 and 20 November 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 15 is objected to because "potion" on line 14 of claim 15 appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of figures 3 and 4 in view of Nyenbrink (US 4660324). The admitted prior art in figures 3 and 4 discloses an on-demand power-operating door apparatus comprising:

a supporting structure 12 forming a passage (not numbered, but shown in figure 4);

a door 14 mounted to the supporting structure by a hinge structure 16 defining a stationary vertical axis of rotation at the supporting structure, and a movable vertical axis of rotation at the door, the door being swingable about the stationary and movable axes between a passage-closing position and a passage-opening position; and

a mechanism for opening and closing the door comprising:

a movable linkage 21 arranged to push against the door, a force-applying mechanism comprising the motor 20 and the power spring (not numbered,

but see paragraph 21, lines 9-12 of the instant application) connected to the linkage for moving the linkage from a first position shown in figure 3 to a second position shown in figure 4 corresponding respectively to the passage-closing and passage-opening positions of the door, and from the second position back to the first position, the force-applying mechanism including a switch-actuated motor 20 connected to the linkage for moving the linkage from the first position to the second position to push the door open, the door being manually swingable from the passage-closing position to the passage-opening position and being manually swingable to the passage-opening position regardless of the location of the linkage between the first and second positions thereof; and

a closer spring 19 (see paragraph 21, lines 10-12 of the instant application) for returning the door from its passage-opening position to its passage-closing position;

wherein the linkage is returnable by the force-applying mechanism from the second position to the first position with the door;

the power spring comprising a second closer spring, the closer spring being weaker than the power spring. The admitted prior art of figures 3 and 4 is silent concerning movement of the linkage independent of movement of the door.

However, Nyenbrink discloses a power operating door apparatus comprising a door 10, a mechanism for opening the door comprising a linkage 37 having a first end connected to a motor 31 and a second end 42, the door being manually swingable from

a passage-closing position to a passage-opening position independently of the linkage because the second end 42 of the linkage 37 is not attached to the door.

It would have been obvious to one of ordinary skill in the art to provide the second end of the linkage 21 of the admitted prior art in figures 3 and 4 with a connection system, as taught by Nyenbrink, so that the door can be opened without having to drive the motor (see column 4, lines 1-4).

It should be noted that the modified linkage of the admitted prior art in figures 3 and 4 would be returned by the force-applying mechanism from the second position to the first position independently of the door since the power spring is attached to the output shaft of the motor 20.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in figures 3 and 4 and Nyenbrink, as applied to claims 12 and 15 above, and further in view of Catlett (US 3675370). Catlett discloses a balanced door 1 comprising hinge arms 13 and 14 having a first end thereof affixed to a vertical hinge shaft 12 defining a stationary vertical axis of rotation.

It would have been obvious to one of ordinary skill in the art to provide the admitted prior art, as modified above, with a vertical hinge shaft, as taught by Catlett, to provide for the stable and synchronous pivoting of the hinge arms as the door is moved between opened and closed positions.

Response to Arguments

Applicant's arguments filed July 7, 2008 have been fully considered but they are moot in view of the new grounds of rejection.

The applicant argues that both the admitted prior art in figures 3 and 4 and Nyenbrink fail to disclose a power opener which is moved to a closed position independently of the door. This is not found to be persuasive. Nyenbrink discloses a power operator 15 which can move independently of the door 10 such that the door can be "opened freely by hand". This is accomplished by "detaching" the second end 42 of the linkage 37 from the door. The admitted prior art in figures 3 and 4 discloses a power operator 20 which moves concurrently with a door 14. The door and power operator are returned to a closed position via the power spring and the closer spring. One of ordinary skill in the art would be motivated to provide the admitted prior art in figures 3 and 4 with linkage attachment system, as taught by Nyenbrink, so that the door 14 can be easily opened by hand. Since no further modification of the admitted prior art is needed, the power spring would return the linkage 21 to its closed position while the closer spring would return the door 14 to its closed position. Thus, the combination of the teachings of Nyenbrink and the admitted prior art in figures 3 and 4 anticipates the applicant's claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634